

REMARKS

Claims 1-15 are pending in the present application. In the above amendments, claims 1, 3, 5, 7, 12, 13 and 14 have been amended. New claim 16 is added. Applicants respectfully request reconsideration in view of the following.

Claim Objections

Claim 3 has been objected to by the Examiner because of the following informalities: Claim 3, on line 3, the “period” after the word “comprises” should be replaced by a “colon.” Appropriate correction has been made.

35 U.S.C. § 112

The Examiner rejected claims 1-15 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Claim 1, line 5, the phrase “the modified message” lacks antecedent basis. Appropriate correction has been made. Claim 7, line 4, it is not clear whether “a first system access frequency” is refer to (sic) a first system access frequency cited in claim 6, line 4. Appropriate correction has been made to indicate “the first system access frequency” is the first system access frequency cited in claim 6, line 4. Claim 11, line 3, the phrase “the subscriber station...with an IS-95 standard” lacks antecedent basis. Claim 11 depends from claim 7, which depends from claim 6, which depends from independent claim 5 where a subscriber station is introduced. In addition, “the subscriber station” appears in claims 6, 7, 8, 10 and 11. All these claims depend either directly or indirectly from claim 5 where a subscriber station is introduced. Thus, in claim 11, “the subscriber station” has antecedent basis. Claims 12 and 13, in line 2, the phrase “said assigning a first frequency on which a fist (sic) synchronization” lacks antecedent basis. The phrase “said assigning a first frequency on which a first synchronization...” has been corrected to read “said assigning a first system access frequency on which a first synchronization....” Claim 14, line 6, the phrase “the modified message” lacks antecedent basis. Appropriate correction has been made.

Claim Rejections Under 35 U.S.C. § 102(e)

Claims 1-4 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,567,666 to Czaja et al. (hereinafter referred to as Czaja). Claims 5-10 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,741,868 to Park et al. (hereinafter referred to as Park).

For anticipation under 35 U.S.C. §102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. (MPEP 706.02).

Applicants respectfully submit that Claims 1-4 are not anticipated by Czaja et al. 6,567,666 for the reasons and explanations set out below.

With respect to claim 1, Applicants respectfully submit that claim 1 is not anticipated by Czaja. In particular the claim fails to anticipate the following element of amended claim 1:

modifying the message to generate a modified message

modulating the modified message on a second synchronization channel transmitted on at least one second frequency from the at least one sector.

Czaja discloses the PILOT_PN record 50 of the message can be modified. (Czaja, Col. 5, lines 3-4.) Czaja goes on to state, “[a]dditionally, since the computational requirements (channel decoding) and the interleaver memory of IS-2000 mobile stations are large (to sustain the maximum data rates), the capability to demodulate and decode these two independent channel configurations are already within the capability of the currently defined mobile stations.” (Czaja, Col. 5, lines 23-28.) Czaja discloses a method to communicate with an overlay 2G/3G communication network. Czaja describes how a mobile station can communicate with a 2G signal and a 3G signal and more specifically how to handle soft handoff. Czaja does not disclose modulating a modified message on a second synchronization channel transmitted on at least one second frequency from at least one sector. Rather, Czaja discloses communication with a 2G signal and a 3G signal neither signal modified. The Examiner points to Czaja, “receiving a second data signal from a second system that uses a second modulation scheme, the second modulation scheme being different from the first modulation scheme. (Czaja, Col. 5, lines 61-64.)

In contrast, claim 1, as amended, reads modulating a message on a first synchronization

channel transmitted on at least one first frequency from at least one sector, modifying the message to generate a modified message and modulating the modified message on a second synchronization channel transmitted on at least one second frequency from the at least one sector. Nowhere in Czaja is there any reference to modifying the message and modulating a modified message on a second synchronization channel transmitted on at least one second frequency from at least one sector.

Thus, the elements of modifying the message and modulating the modified message are not disclosed anywhere in Czaja. Therefore, claim 1 is now in a condition for allowance. Claims 2-4 depend from claim 1 and it follows that claims 2-4 are also in a condition for allowance. Accordingly, Applicants respectfully request the rejection of claims 1-4 be withdrawn.

With respect to claim 5, Applicants respectfully submit that claim 5 is not anticipated by Park. In particular the claim fails to anticipate the following element of amended claim 5:

A method for assigning a system access frequency to a subscriber station in a *synchronous* communication system operating in accordance with at least two standards, comprising:

determining a standard in accordance with which the subscriber station is capable of operation; and
assigning a system access frequency to the subscriber station in accordance with said determination.

In Park assigning a system access frequency is not explicit. Assuming an argument is made that assigning a system access frequency is implied, Park is directed to a method to distinguish between synchronous and asynchronous core networks. Nowhere in Park is a method disclosed for assigning a system access frequency to a subscriber station in a *synchronous* communication system operating in accordance with at least two standards. Thus, claim 5 is now in a condition for allowance. Claims 6-13 depend from claim 5 and it follows that claims 6-13 are also in a condition for allowance. Accordingly, Applicants respectfully request the rejection of claims 5-13 be withdrawn.

35 U.S.C. § 103 (a)

Claims 14 and 15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over

Czaja et al. in view of Park et al.

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach each or suggest all the claim limitations. "The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicants' disclosure." In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Applicants respectfully submit that Claims 14 and 15 are not rendered obvious by Park et al. for the reasons and explanations set out below.

The analysis applied to claim 1 holds for claim 14. Thus, claim 14 is now in a condition for allowance. Claim 15 depends from claim 14 and if follows that claim 15 is also in a condition for allowance. Accordingly, Applicants respectfully request the rejection of claims 14 and 15 be withdrawn.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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